

APP. 91193572

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91194675
Party	Plaintiff FireEye, Inc.
Correspondence Address	Julia Spoor Gard Barnes & Thornburg LLP 11 South Meridian Street Indianapolis, IN 46204 UNITED STATES jgard@btlaw.com
Submission	Motion to Consolidate
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Date	05/03/2010
Attachments	91194675.pdf (3 pages)(52288 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

FIREEYE, INC.

Opposer,

v.

FIREID INTERNATIONAL S.A.R.L.

Applicant.

Opposition Nos. 91194675; 91193572

MOTION TO CONSOLIDATE

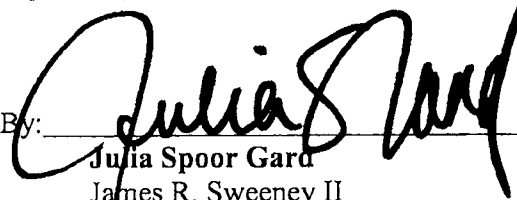
Pursuant to Federal Rule of Civil Procedure Rule 42(a) and Section 511 of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), Opposer, FireEye, Inc. ("FireEye"), respectfully requests that the Trademark Trial and Appeal Board ("TTAB") consolidate Opposition Proceedings Nos. 91194675 and 91193572.

The subject proceedings involve the opposition of the nearly identical marks, Opposer's FIREEYE and FIREEYE (& Design) marks, and Applicant's FIREID and FIREID (& Design), claimed for intended use by Applicant in connection with identical goods. Thus, these actions involve "a common question of law or fact" pending before the T.T.A.B., as contemplated by Rule 42(a) and Section 511 of the TBMP. *See, e.g.,* Fed. R. Civ. P. 42(a); *S. Industries Inc. v. Lamb-Weston Inc.*, 45 U.S.P.Q.2d 1293, 1297 (T.T.A.B. 1997) (both proceedings involved the same mark and virtually identical pleadings). Therefore, the Consolidation of the two Opposition Proceedings will save time, effort and expense.

For these reasons, these actions should be consolidated hereinafter for all purposes.

Respectfully submitted,

By: _____

A handwritten signature in black ink, appearing to read "Julia Spoor Gard", written over a horizontal line.

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Dated: May 3, 2010

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2010 a copy of the foregoing Motion to Consolidate, was served by first-class mail, postage prepaid, upon the following:

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Dated: May 3, 2010